

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:
MAY 2, 1990

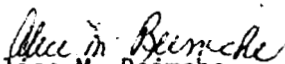
SUBJECT: ADOPTION OF ORDINANCE NO. 1484 - AN ORDINANCE OF THE LODI CITY COUNCIL REPEALING LODI MUNICIPAL CODE SECTION 17.03.290 DEFINING "HOME OCCUPATION" AND REENACTING SAME, AND ADDING TO TITLE 17 - ZONING, A NEW CHAPTER 17.08 RELATING TO HOME OCCUPATION PERMITS

Ordinance No. 1484 - "An Ordinance of the Lodi City Council Repealing Lodi Municipal Code Section 17.03.290 Defining "Home Occupation" and Reenacting Same, and Adding to Title 17 - Zoning, A New Chapter 17.08 Relating to Home Occupation Permits" was introduced at the regular meeting of the Lodi City Council held April 18, 1990.

Pursuant to State statute, ordinances may be adopted five days after their introduction following reading by title.

This Ordinance has been approved as to form by the City Attorney.

RECOMMENDED ACTION: Following reading by title, it would be appropriate for the Lodi City Council to adopt Ordinance No. 1484.


Alice M. Reimche
City Clerk

AMR/jmp

ORDINANCE NO. 1484

AN ORDINANCE OF THE LODI CITY COUNCIL
REPEALING LODI MUNICIPAL CODE SECTION 17.03.290 DEFINING
"HOME OCCUPATION" AND REENACTING SAME, AND ADDING TO TITLE 17 - ZONING,
A NEW CHAPTER 17.08 RELATING TO HOME OCCUPATION PERMITS,

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 17.03.290 - Definitions -
Home Occupation - is hereby repealed and reenacted as follows:

17.03.290 HOME OCCUPATION.

"Home occupation" means any use customarily carried on or conducted entirely within a dwelling by the residents thereof, without assistants, which use is clearly incidental to the residential use of the premises and does not change the character thereof."

SECTION 2. Lodi Municipal Code Title 17 - Zoning - is hereby amended by adding a new Chapter 17.08 - Home Occupation Permits - as follows:

Chapter 17.08 HOME OCCUPATION PERMITS

17.08.010 EXCLUDED USES.

The following uses shall not be deemed "home occupations":

- A. Hospitals;
- B. Clinics;
- C. Private schools;
- D. Real estate offices;

- E. Insurance offices;
- F. Animal hospitals;
- G. Kennels;
- H. Animal boarding facilities;
- I. **Any business** or activity in which it is usual or customary for the clients or customers to come to the location for which the permit is sought.

17.08.020 PROCEDURES FOR ISSUANCE .

Home occupation permits may be issued by the Community Development Director pursuant to the following procedures:

A. The permit shall state the home occupations permitted, the conditions attached, and any time limitations.

B. All home occupation permits shall be personal to the owner or resident of the premises to whom it is issued, and shall be non-transferrable to different parties or premises.

C. Applicants for a home occupations permit shall be required to agree in writing to comply with all conditions imposed.

D. A home occupations permit may be revoked by the Community Development Director or the Planning Commission upon failure of the holder to comply with any of the conditions or limitations of approval.

E. In the event of denial by the Community Development Director, the applicant may file a written notice of appeal with the Planning Commission not later than ten days following such denial or revocation. The Planning Commission shall hold at least one public hearing or; such appeal and written notice of the time and place of such hearing shall

be given to the applicant and all property owners within three hundred feet of the subject property.

F. Any decision by the Planning Commission may be appealed to the City Council within ten days thereof by filing written notice with the City Clerk, accompanied by such fees as shall from time to time be set or established by resolution of the City Council. The City Council shall hold at least one public hearing on such appeal. Notice of the time and place of such hearing shall be given as set forth above. The City Council shall have ultimate discretion in interpreting and applying this ordinance.

17.08.030 CONDITIONS OF ISSUANCE.

All home occupation permits issued hereunder shall be subject to the conditions described below. Such proposed uses shall:

A. Be conducted entirely within the main dwelling and limited to no more than one room.

B. Not be carried out by persons other than the residents living at the premises.

C. Be clearly incidental to the use of the dwelling for residential purposes, and will not change the residential character of the dwelling or neighborhood.

D. Not substantially increase vehicular or pedestrian traffic in the immediate area of the dwelling.

E. Not involve the use of power driven equipment having a motor or motors of more than one-half horsepower.

F. Not use signs except an unlit sign not exceeding two square feet flush-mounted on and parallel to the front of the building, identifying the ~~name~~ of the business conducted therein.

G. Not create a nuisance by reason **of** noise, odor, dust, vibration, **fumes, smoke**, electrical interference, increased traffic, or other causes.

H. Be the only ~~home~~ occupation conducted at the specified address. For purposes **of** this section, a use shall be deemed "**the** only ~~home~~ occupation conducted" at a location if ~~it~~ involves services or **goods** of essentially one type, even though the owner may have more than one business name, or be required to obtain more than one professional certification or business license.

I. ~~Be~~ subject to such special conditions as the Community Development Director, Planning Commission or City Council may require.

17.08.040 REVOCATION.

A. Any home occupations permit issued hereunder may be subject to revocation for failure to comply with the conditions attached thereto or specified in this chapter. Such revocation shall be commenced by giving notice to the holder of such permit by the Community Development Director **of** his intent to recommend revocation to the Planning Commission. Thereafter, not less than ten days after notice to the permit holder **by** the Community Development Director, a public hearing shall be conducted by the Planning Commission.

B. Any person or party dissatisfied with the results of the hearing conducted by the Planning Commission may appeal such decision

to the City Council by filing a notice of appeal with the City Clerk not more than ten days following such decision.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 2nd day of May

John R Snider

JOHN R. SNIDER
Mayor

Attest :

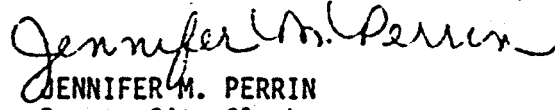
Jennifer M. Perrin
JENNIFER M. PERRIN
Deputy City Clerk

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State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, Deputy City Clerk of the City of Lodi, do hereby certify that Ordinance No.1484 was introduced at a regular meeting of the City Council of the City of Lodi held April 18, 1990 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held May 2, 1990 by the following vote:

Ryes :	Council Members - Hinchman, Olson, Pinkerton, Reid, and Snider (Mayor)
Noes :	Council Members - None
Absent :	Council Members - None
Abstain:	Council Members - None

I further certify that Ordinance No. 1484 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


JENNIFER M. PERRIN
Deputy City Clerk

Approved as to Form



BOBBY W. McNATT
City Attorney

ORD1484/TXTA.02J